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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 DENNIS MARTEL,

10 Plaintiff,

No. CIV S-04-0014 DFL EFB P

11 vs.

12 CALIFORNIA DEPARTMENT OF
13 CORRECTIONS, et al.,

14 Defendants.

ORDER

15 Plaintiff is a state prisoner prosecuting this civil rights action without counsel. *See* 42
16 U.S.C. § 1983. Defendants move to vacate the pretrial dates on the ground that they cannot
17 comply with the schedule because the court has yet to resolve the parties' motions for summary
18 judgment. Pursuant to the July 28, 2006, revised schedule, plaintiff's pretrial statement is due
19 February 9, 2007, defendants' pretrial statement is due February 23, 2007, pretrial conference is
20 set for March 2, 2007, and trial is set for May 21, 2007.

21 Because plaintiff's motion and defendants' cross-motion for summary judgment are
22 pending, the above dates are vacated. *See* Fed. R. Civ. P. 16(b). The court will make a new
23 pretrial schedule, if appropriate, following resolution of defendants' motion.

24 So ordered.

25 Dated: February 1, 2007.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE